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**From:** Siegal, Tod [Siegal.Tod@epa.gov]  
**Sent:** 5/13/2020 3:03:01 PM  
**To:** Wehling, Carrie [Wehling.Carrie@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]  
**CC:** Wade, Alexis [Wade.Alexis@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]  
**Subject:** RE: NHPA consultation issue in Florida

Adding Tom as well. Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
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**From:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Sent:** Wednesday, May 13, 2020 11:01 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Siegal, Tod <Siegal.Tod@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>  
**Subject:** RE: NHPA consultation issue in Florida

Yes, please add to the reg agenda for tomorrow. Copying Steve for his awareness.

Caroline (Carrie) Wehling  
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Washington DC 20004  
202-564-5492  
[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Wednesday, May 13, 2020 10:59 AM  
**To:** Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Cc:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** NHPA consultation issue in Florida

Attorney-client privileged/Attorney work product privileged.

Hi Carrie,

I would like to raise the question of NHPA consultation on our Florida package at Reg Review tomorrow, if that's not a problem.

Florida has received a comment on its rule from the Seminole Tribe stating that if EPA has discretion to consult for ESA purposes on its program approval, it also has discretion to consult under the NHPA. Tod and I just had a call with R4 ORC staff, where Tod provided very helpful input (as always) which

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Please let me know what you think. Thank you!

Simma Kupchan  
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